

## **MINUTES**

### **RILEY COUNTY PLANNING BOARD**

**Monday, October 11, 2004  
7:30 p.m.**

**Courthouse Plaza East  
Commission Meeting Room**

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Members Present: Jon Larson– Chair  
Buck Gehrt – Vice Chair  
Lorn Clement  
Rebecca Mosier  
Dr. Tom Taul

Staff Present: Monty Wedel – Planning Director; Bob Isaac – Planner; Derrick Slocum–  
Planning Intern; Amanda Smith – Clerical Assistant.

Others Present: Stanley Hoerman – petitioner; Leon & Louise Schultes – petitioners; 8  
other interested persons.

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The minutes of the September 13, 2004 meeting were approved.

The Report of Fees for the month of September 2004 was approved. The fees collected in September totaled \$700.00.

#### **PUBLIC HEARING – LEON SCHULTES/SCHULTES FAMILY TRUST – PLAT/REZONE**

Chairman Larson opened the public hearing at the request of Leon Schultes, petitioner and owner, to rezone a tract of land located in Swede Creek Township, Section 24, Township 6 South, Range 6 East, from Zone G-1 (General Agricultural) to Zone A-5 (Single Family Residential) and to plat the aforementioned tract of land into one (1) residential lot to be known as Louises's Acres.

Derrick Slocum, Planning Intern, presented the staff report. He explained the location and background of the site. Mr. Slocum explained that the site was generally located approximately 2.6 miles east of Tuttle Creek Boulevard, on the north side of Rose Hill Road, Section 24, Township 6, Range 6 East; Swede Creek Township. He stated that the property has been developed as a farmstead for over a hundred years with a house, barn and various outbuildings, all of which have become in a state of disrepair. Mr. Slocum also explained that the purchaser intends to refurbish the existing home and return it to a habitable structure. Mr. Slocum stated that due to the character and location of the existing development, it is not anticipated that rezoning the property to a residential zoning district will cause conflicts between agricultural and urban land uses.

Mr. Slocum stated that the Riley County Health Department found that due to the age and condition of the house, the house isn't regarded as an existing structure. Therefore, review of any existing sewer system is not required. Moreover, any existing sanitary sewer system would be considered "grandfathered". Mr. Slocum stated that the staff recommends approval of the request.

Chairman Larson called for comments from the board. Hearing none, Chairman opened the public hearing.

Louise Schultes explained some of the history and the status of the home in question.

JoAnne Hazelwood said that there will only be seven (7) people living in the house; her and her husband and their five (5) children.

Chairman Larson called for proponents/opponents. Hearing none, Chairman Larson closed the public hearing.

Lorn Clement moved to approve the request to rezone the property as presented by staff. Buck Gehrt seconded.

Louise Schultes mentioned that she had some paperwork that her, her husband and the contract purchaser needed to sign.

Becky Mosier stated that if the farmers were to fertilize the farms that surround the site and the water would become contaminated, the purchaser should not complain. The surrounding farming or agricultural operation was in existence prior to this request.

Leon Schultes said that there is and has been no sign of contamination of the water.

Lorn Clement also stated that the Board shares concern on the contaminates that may later show up in the water.

Becky Mosier stated that the home is beautiful.

Mr. Isaac stated that proposed plat and rezoning is beneficial because the barns and the home can be returned a habitable state.

Buck Gehrt said that it is a win-win situation for everyone.

Louise Schultes asked once again where they should sign the papers.

Monty Wedel stated that the Board can make a recommendation that the papers be signed at a later date.

Lorn Clement stated that he would like to hear what the rest of the Board members had to say about the situation.

Tom Taul stated that he thought that it was also a win win situation.

Chairman Larson stated that he agreed with Mr. Taul.

Buck Gehrt recommended approval. Tom Taul seconded.

Motion carried 5-0.

Lorn Clement moved to approve the plat as presented. Becky Mosier seconded.

Motion carried 5-0.

Derrick Slocum announced that the petition would go before the Board of County Commissioners on October 25<sup>th</sup>, 2004, at 10:40 a.m.

### **STANLEY HOERMAN PLATTING/REPLATTING**

Chairman Larson opened the public hearing at the request of Stanley Hoerman, petitioner and owner, to plat a .94-acre tract and Lot 9, Vista Acres Addition, No. 2, into one (1) residential lot, located in Grant Township, Section 23, Township South, Range 7 East.

Bob Isaac, Planner, presented the staff report. Mr. Isaac explained that the subject site was generally located approximately 1,000 feet northeast of Tuttle Cove Road, on the east side of Vista Acres Drive. Mr. Isaac explained that the subject property consists of a hilly and steep terrain and is in character with the surrounding housing. He also stated that, with the combination of both properties, the Applicant proposed to build a house that will be served by an alternative septic system and by rural water.

Mr. Isaac stated that the Riley County Health Department staff had reviewed the plat/replat and had no objections. Mr. Isaac stated that the staff recommended approval of the request.

Chairman Larson called for comments from the petitioner.

Stanley Hoerman stated that he had no comments and that Mr. Isaac had presented his side.

Greg Wurst said that he was curious what the Applicant's intentions were, because another nearby neighbor had already made their home into a rental property.

Bob Isaac stated that the home is currently zoned single family residential and that the Riley County Planning Department did not have any control as to whether the home became a rental. He also explained that if the property is part of a Home Owners Association, it will be subject to privately enforced rules and requirements.

Monty Wedel explained that the zoning regulations cannot prevent a property from becoming a rental property.

Debra Daily explained that the unplatted tract of land was not included in the addition because the owner of the land did not want to pay the dues of the benefit district.

Bob Isaac stated that if the lot was a part of the original benefit district, the replat will not change that status.

Debra Daily asked what was to happen with the road easement located on Lot 9.

Bob Isaac stated that no structures can be built in the easement. Mr. Isaac also said that the replat does not vacate with the road easement.

Tom Taul stated that the property owner has not paid to be a part of the benefit district and that he should not be able to have an entrance onto Vista Acres Drive.

Bob Isaac mentioned that Vista Acres Drive has been platted for quite some time now and is a public road.

Tom Taul asked if it would be fair for the property owner to have access to Vista Acres Drive.

Bob Isaac stated that in this case, it may not be fair, but there several properties that, through the platting process, gain access to a public road, regardless of any existing benefit districts. Furthermore, the property owner pay taxes that go toward the maintenance of that road.

Monty Wedel emphasized that it is the role of Planning Board to decide if the petition meets the requirements of the Riley County Subdivision Regulations and that regulations does not mention benefit districts. Mr. Wedel also stated that the County would prefers that all property have access to a public road, as stated as one criterion for approval within the subdivision regulations.

Bill Schapaugh asked if someone could explain the alternative septic system.

Bob Isaac explained that an “alternative” system is a newer type of septic that does not require the soil depth that the conventional system needs and that the effluent is cleaner.

Bill Schapaugh asked if there is standing water or ponds that are connected to the “alternative” system.

Bob Isaac stated that there are no standing water or ponds associated with the “alternative” system.

Monty Wedel mentioned that the water is pre-treated before it enters the lateral system.

Tom Taul stated that he has had experience with the “alternative” system. He explained that, although the system uses electricity and grinders, it has no standing water and they work very well.

Gregg Wurst asked if there was any type of restrictive covenant in the area at all. He also asked what the size and type of the proposed house will be.

Bob Isaac stated that the County does not enforce restrictive covenants nor does the County have building codes. He also said that that type of design of the proposed structure will need to be discussed between land owners.

Bill Schapaugh asked if the property owner would be able to place the lateral field up to two feet from the property line.

Bob Isaac explained that the proposed system, including setback requirements, must be approved by the Riley County Health Department.

Debra Daily asked if the new lot will become a part of Vista Acres.

Bob Isaac explained that the lot will become its own subdivision.

Dr. Stefan Bossmann asked where the flood line is on the property. Dr. Bossmann also asked if Mr. Hoerman could answer some of the neighbors concerns that were being presented.

Bob Isaac presented the flood line to Mr. Bossmann and to the Board. Mr. Isaac then asked Mr. Hoerman if he would like to speak regarding some of the concerns.

Stanley Hoerman stated that he would be building a single family residence. He also explained that the building would not be a duplex.

Bill Schapaugh stated that he would like to know what kind of house will be going up; a one story or two-story, and how many square feet.

Stanley Hoerman stated that the house would be approximately 900 to 1,000 square feet on each level of the house. He also stated that the home would probably be a two-story home.

Debra Schapaugh mentioned that in the packet she received from Riley County Planning and Development, she could not find her lot on the map.

Bob Isaac stated that if Mrs. Schapaugh thought that the map was incorrect that she should call Planning & Development.

Debra Daily stated that she noticed that the lot is a dumping ground for barrels and other miscellaneous items.

Chairman Larson stated that he understood Mrs. Schapaugh's concerns, but the issue at hand is the plat, not the possible zoning violation.

Stanley Hoerman explained that he had photos of the items that had been dumped on his property by Mrs. Schapaugh and other items, such as railroad ties, that came from people trespassing on his property.

Debra Daily admitted that she was responsible for dumping the aforementioned lumber.

Bill Schapaugh asked if there were any codes in the County that would prevent it from becoming a rental. Mr. Schapaugh also asked if the house that was going to be built would be a "spec" house or if Mr. Hoerman would be living there.

Stanley Hoerman stated that he would be selling the house and not living in it.

Bob Isaac mentioned that Mr. Hoerman will still need to get a building permit for the structure and go through the permit process before constructing the house.

Dr. Stefan Bossmann stated that the railroad ties that were on Mr. Hoerman's property were his and that he had set them there, but someone had moved them.

Chairman Larson asked if there was anyone else that would like to present. None came forth.

Becky Mosier stated that it appeared that the dumping problem concern was now resolved now that the neighbors confessed to the dumping.

Chairman Larson stated that building the home would be a good thing for the neighborhood because any vacant land has the potential to become dumping ground.

Monty Wedel stated that the dumping could be a potential zoning violation if someone reported it.

Lorn Clement moved to approve the request to close the public hearing. Buck Gehrt seconded

Motion carried 5-0.

Lorn Clement moved to approve the plat as presented. Becky Mosier seconded. Motion carried 5-0.

Monty Wedel stated the road issue can be explored by other people if they wish.

Bob Isaac announced that the petition would be heard by the Board of County Commissioners on October 25<sup>th</sup>, 2004, at 10:40 a.m.

## **DISCUSSION OF PROPOSED AMENDMENT TO ZONING REGULATIONS SECTION 22 PUBLIC UTILITIES AND FACILITIES**

Monty Wedel asked if the Board had reviewed the amendment that was in the packet. Mr. Wedel also suggested that they just proceed with the amendment. He also stated that it was just a little house-keeping that needed to be serviced on the amendment.

## **DISCUSSION OF POSSIBLE AMMENDMENT TO THE SUBDIVISION REGULATIONS REGARDING PRIVATE ROADS**

Monty Wedel stated that, on Monday, September 13<sup>th</sup>, he spoke to the Board of County Commissioners regarding private roads. He also stated that people had begun splitting off and selling 20-acre parcels and that the County is beginning to have problems with addressing the properties. Mr. Wedel presented several examples of private roads that have become a problem.

Lorn Clement said that he would support the change.

Monty Wedel said that we should model the regulations those of Douglas County, as they are clear and straightforward.

Tom Taul elaborated on the Douglas County regulations.

Chairman Larson stated that Board instructs Monty Wedel to initiate the process of developing a draft amendment regarding private roads.

Monty Wedel stated that he would get the amendment process underway.

## **UPDATE ON RILEY COUNTY COMPREHENSIVE PLAN**

Chairman Larson asked Mr. Wedel to present the next item..

Monty Wedel stated that the Department was working on the slideshow. He also stated that he is developing a questionnaire that will be utilized along with the slideshow to acquire feedback.

The meeting was adjourned at 9:20 p.m.